

Department of Employment Security. The Department of Employment Security shall report the average weekly wage of the State of Maryland as of July 1, to the Workmen's Compensation Commission no later than December 15 of each year. The average weekly wage used for 1968 shall be that average weekly wage established by the Department of Employment Security as of July 1, 1967. In no case shall the employee receive less than a minimum of \$50 per week unless the employee's established weekly wages are less than \$50 per week at the time of the injury, in which event he shall receive compensation equal to his weekly wages. Nothing in this subsection shall be construed or applied to affect or change the law as to any such injury or strain which occurred prior to the effective date of this subsection, or to affect or change the law applicable to persons eligible for benefits as the result of an injury or injuries sustained when a different rate or percentage payment basis is effective.

(II) 1. PRIOR TO TERMINATING THE PAYMENT OF TEMPORARY TOTAL DISABILITY BENEFITS UNDER THIS SECTION, AN INSURER SHALL GIVE THE CLAIMANT WRITTEN NOTICE OF THE DATE THE BENEFITS ARE TO BE TERMINATED.

2. NOTICE SHALL ACCOMPANY THE CLAIMANT'S FINAL TEMPORARY TOTAL OF DISABILITY BENEFIT PAYMENT.

3. THE NOTICE OF TERMINATION TO THE CLAIMANT SHALL INCLUDE A STATEMENT ADVISING THE CLAIMANT OF:

A. THE CLAIMANT'S RIGHT TO REQUEST A HEARING BEFORE THE COMMISSION ON THE ISSUE OF THE INSURER'S DECISION TO TERMINATE TEMPORARY TOTAL DISABILITY PAYMENTS; AND

B. HOW AND WHEN TO REQUEST SUCH A HEARING--; AND

C. THE REASON OR REASONS FOR TERMINATION OF BENEFITS.

4. THE PROVISIONS OF THIS SUBPARAGRAPH (II) SHALL NOT APPLY IN CASES IN WHICH THE CLAIMANT HAS ACTUALLY RETURNED TO HIS CURRENT EMPLOYMENT, OR IN CASES IN WHICH THE TREATING PHYSICIAN CHOSEN BY THE CLAIMANT HAS ADVISED THE CLAIMANT THAT MAXIMUM IMPROVEMENT FROM HIS INJURIES HAS BEEN ACHIEVED, OR IN CASES OF TERMINATION AFTER THE DATE OF TERMINATION AS SET FORTH IN AN ORDER OF THE COMMISSION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1986.

Approved May 27, 1986.
